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5 *Pro Bono Counsel Referred*
via the Legal Aid Center of Southern Nevada
6 for Plaintiff HYRUM JOSEPH WEST

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

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11 HYRUM JOSEPH WEST,)
12) 2:13-cv-00271-APG-VCF
Plaintiff,)
13)
v.)
14) **STIPULATION TO CONTINUE**
NYE COUNTY, *et al.*,) **CALNDER CALL AND TRIAL**
15) (First Request)
Defendants.)
16)

17 IT IS HEREBY STIPULATED by and between Angela H. Dows, Esq., counsel for
18 Plaintiff HYRUM JOSEPH WEST, and Brian R. Hardy, Esq., counsel for remaining Defendant
19 NYE COUNTY that the dates for: (1) calendar call, and (2) trial be extended for ninety (90) days
20 or to a date convenient to this Court. This is the first stipulation of the parties to extend the trial
21 date. This Stipulation is entered into based upon the following:

- 22
- 23 1. As of February of 2020, Plaintiff Hyrum West has an anticipated release date of
24 July 9, 2020 from his custodial sentence. (See Nevada Department of
25 Corrections Inmate Search, *available at*: <https://ofdsearch.doc.nv.gov/form.php>
26 under search for "Hyrum West.")
- 27 2. Plaintiff Hyrum West has indicated to his counsel that he wishes to be able to
28

1 complete his custodial sentence prior to the mediation and/or trial in the instant
2 case.

3 3. The parties agree with waiting to see if Plaintiff Hyrum West is released in or
4 around July 9, 2020 for one or more reasons, including: (1) client
5 communications/availability, (2) change in client circumstances as to a non-
6 custodial status, and/or (3) the relative ability to negotiate with the client thereto.

7 4. That Plaintiff Hyrum West also indicated that he did not want to be transported
8 for one or more matters during the end stages of his custodial status, due to
9 interruptions with one or more of the following: (1) schooling, (2) work
10 assignments, and/or (3) parole hearing(s).

11 5. That the parties thus request that the July of 2020 trial date be continued so that
12 the matter may be: (1) determined whether Plaintiff Hyrum West will be released
13 on or around July 9, 2020, and (2) have a settlement conference after Plaintiff
14 Hyrum West's anticipated July 9, 2020 release date, and before the current
15 scheduled trial in the matter.

16 6. The parties thus request a ninety (90) day continuance of the trial date in relation
17 thereto.

18 7. That Plaintiff Hyrum West is currently incarcerated, and does not object to the
19 subject continuance. Further, Plaintiff Hyrum West specifically requests that the
20 instant continuance be granted.
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1 8. The additional time requested herein is being sought in good faith not sought for
2 purposes of delay, but merely to allow the parties adequate time to determine
3 whether Plaintiff Hyrum West will be released in July of 2020, and potentially
4 negotiate a resolution of the case in the interim.

5 DATED this 14th day of February, 2020.

6 CORY READE DOWS & SHAFER

7 By: /s/ Angela H. Dows

8 ANGELA H. DOWS, ESQ.

9 1333 North Buffalo Drive, Suite 210

10 Las Vegas, Nevada 89128

11 *Pro Bono Counsel Referred*

12 *via the Legal Aid Center of Southern Nevada*
13 *for Plaintiff HYRUM JOSEPH WEST*

14 MARQUIS AURBACH COFFING

15 By: /s/ Brian R. Hardy

16 BRIAN R. HARDY, ESQ.

17 1001 Park Run Drive

18 Las Vegas, Nevada 89145

19 *Counsel for Defendant NYE COUNTY*

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 HYRUM JOSEPH WEST,)
6 Plaintiff,) 2:13-cv-00271-APG-VCF
7 v.) **FINDINGS OF FACT,**
8 NYE COUNTY, *et al.*,) **CONCLUSIONS OF LAW, AND**
9 Defendants.) **ORDER THEREON**
10 _____)

11 **FINDINGS OF FACT**

12 Based on the pending Stipulation of the parties, and good cause appearing therefore, the
13 Court finds that:

14 1. As of February of 2020, Plaintiff Hyrum West has an anticipated release date of
15 July 9, 2020 from his custodial sentence. (*See* Nevada Department of Corrections Inmate
16 Search, *available at*: <https://ofdsearch.doc.nv.gov/form.php> under search for “Hyrum West.”)

17 2. Plaintiff Hyrum West has indicated to his counsel that he wishes to be able to
18 complete his custodial sentence prior to the mediation and/or trial in the instant case.

19 3. The parties agree with waiting to see if Plaintiff Hyrum West is released in or
20 around July 9, 2020 for one or more reasons, including: (1) client communications/availability,
21 (2) change in client circumstances as to a non-custodial status, and/or (3) the relative ability to
22 negotiate with the client thereto.

23 4. The parties stipulated that the July of 2020 trial date be continued so that the
24 matter may be: (1) determined whether Plaintiff Hyrum West will be released on or around July
25 9, 2020, and (2) have a settlement conference after Plaintiff Hyrum West’s anticipated July 9,
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2020 release date, and before the current scheduled trial in the matter.

5. The parties thus requested a ninety (90) day continuance of the trial date in relation thereto.

6. Plaintiff Hyrum West is currently incarcerated, and does not object to the subject continuance.

7. The additional time requested herein is being sought in good faith not sought for purposes of delay, but merely to allow the parties adequate time to determine whether Plaintiff Hyrum West will be released in July of 2020, and potentially negotiate a resolution of the case in the interim.

CONCLUSIONS OF LAW

1. The additional time requested by this stipulation is sought in good faith not sought for purposes of delay, but instead to allow the parties adequate time to determine Plaintiff Hyrum West's custodial status, taking into account the exercise of due diligence.

2. For all of the above-stated reasons, the ends of justice would best be served by an approximately ninety (90) day continuance of the calendar call and trial dates in the matter.

ORDER

IT IS THEREFORE ORDERED that the calendar call, currently scheduled for July 7, 2020, be vacated and continued to October 13, 2020 at the hour of 8:45 a.m.; and the trial, currently scheduled for July 13, 2020, be vacated and continued to October 19, 2020, at the hour of 9:00 a.m. in Courtroom 6C.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE